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Attorneys for Plaintiffs and the Proposed Plaintiff Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLYDE WYLIE, TRACY
PEARSON, and JAMES BUTCHER
on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

FOSS MARITIME COMPANY, a
Washington corporation, and DOES
1-25, inclusive,

Defendants.

Case No. C06-7228 ~~MJJ~~ MHP

CLASS ACTION

**STIPULATION AND PROPOSED
ORDER CONTINUING DEADLINES
TO COMPLETE DISCOVERY AND
FOR BRIEFING MOTIONS FOR
CLASS CERTIFICATION**

I. RECITALS

WHEREAS a Status Conference was held in this matter on December 22,
2008, and following said conference the Court issued a minute order that set the

1 following dates in this case:

2 Motions for Class Certification to be filed by 3/30/2009

3 Oppositions to be filed by 4/13/2009

4 Replies to be filed by 4/20/2009

5 motions to be heard 2:00 p.m. on 5/04/2009;

6 WHEREAS since the time of the status conference in December 2008,
7 Plaintiffs CLYDE WYLIE, TRACY PEARSON and JAMES BUTCHER
8 (“Plaintiffs”) and Defendant FOSS MARITIME COMPANY (“Defendant”) have
9 been actively engaged in discovery concerning the class certification issues;

10 WHEREAS Plaintiffs and Defendant would like to have a mediation in this
11 case before the parties spend the additional time and incur the additional expense of
12 completing class certification discovery and making and opposing the class
13 certification motion(s); and

14 WHEREAS the parties wish to respectfully request that the Court continue the
15 above deadlines for approximately two months so that they may schedule and attend
16 a private mediation in an effort to resolve this matter.

17 **II. STIPULATION**

18 Accordingly, IT IS HEREBY STIPULATED by and between Plaintiffs
19 CLYDE WYLIE, TRACY PEARSON and JAMES BUTCHER and Defendant FOSS
20 MARITIME COMPANY that, in order to allow the parties time to arrange and
21 participate in a private mediation, the Court be respectfully requested to enter an
22 order continuing:

23 1. The deadline for discovery concerning class certification issues from
24 March 31, 2009 until May 29, 2009;

25 2. The deadline for filing any Class Certification Motion(s) from March 31,
26

2009 until May 29, 2009;

3. The deadline for filing oppositions to the Class Certification Motion(s) from April 13, 2009 until June 12, 2009;

4. The deadline to file replies from April 20, 2009 until June 19, 2009; and

5. The scheduled hearing on the Motion(s) for Class Certification from May 4, 2009 at 2:00 p.m. until July 10, 2009 at 2:00 p.m.

IT IS SO STIPULATED.

DATED: March 13, 2009

BANNING MICKLOW & BULL LLP

By: /s/ Kurt Micklow

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DATED: March 13, 2009

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III. ORDER

IT IS SO ORDERED.

DATED: 3/17/2009

